



Express Mail No. EV654850815US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicants:	Kris G. Kumar et al.	Confirmation No.:	2402
Application No.:	10/647,587	Art Unit:	3732
Filed:	August 26, 2003	Examiner:	Ralph A. Lewis
For:	SPINAL FIXATION SYSTEM	Attorney Docket:	8932-825-999

Mail Stop AMENDMENT
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321(b,c)

Sir:

SYNTHES (USA), a partnership of the State of Pennsylvania, having its principal office and place of business at 1302 Wright's Lane East, West Chester, Pennsylvania 19380, represents that it is the assignee of record of the entire, right, title and interest, by assignment, of the following issued United States patent and pending United States patent application:

1. U.S. Patent No. 6,610,063 for "SPINAL FIXATION SYSTEM," issued August 26, 2003 on Application No. 09/915,572, filed July 27, 2001. An assignment of the '572 application by the inventors, Kris G. Kumar, Balaji S. Ramamurti, Barclay R. Davis, and Thomas J. Runco, to SYNTHES (USA) was recorded on December 3, 2001 at Reel 12337,

Frames 573-76.

10/07/2005 EAREGAY1 00000015 503013 10647587

01 FC:1814 130.00 DA

NYJD: 1594538.1

2. Application No. 10/647,587, filed August 26, 2003 as a continuation of copending Application No. 09/915,572, filed July 27, 2001. The assignment of the '572 application is effective for the '587 application as a continuation.

The undersigned, on behalf of SYNTHES (USA), hereby disclaims the terminal portion of the term of any patent to be issued on the present application, Application No. 10/647,587, which would extend beyond July 27, 2021, the expiration date of the full statutory term* of U.S. Patent No. 6,610,063.

The undersigned, on behalf of SYNTHES (USA), agrees that any patent to be issued on the present Application No. 10/647,587 shall be enforceable only for and during such period as the legal title to such patent shall be the same as the legal title to said Patent No. 6,610,063, this agreement to run with any patent to be issued on Application No. 10/647,587 and to be binding upon the grantee of such patent and its successors and assigns.

The undersigned, on behalf of SYNTHES (USA), does not disclaim any terminal part of the term of any patent to be issued on the present Application No. 10/647,587 that would extend to July 27, 2021, the expiration date of the full statutory term* of U.S. Patent No. 6,610,063, in the event that U.S. Patent No. 6,610,063: (a) expires for failure to pay a maintenance fee, (b) is held unenforceable, (c) is found invalid, (d) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a,b), (e) has all claims canceled by a reexamination certificate, or (f) is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

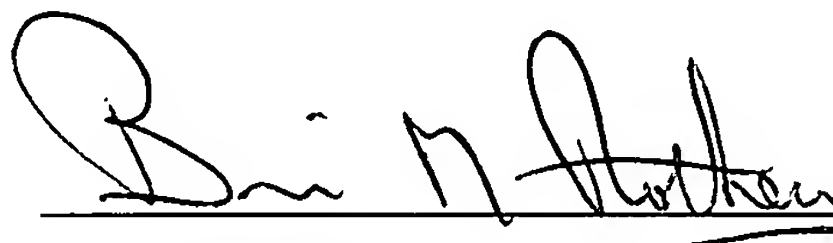
* It is applicants' and assignee's intention that if any change in the patent statutes extends the term of parent Patent 6,610,063, then the date beyond which the term of any patent to issue on this application is disclaimed shall change along with the expiration date of the parent patent.

The undersigned hereby states and certifies that:

1. He is an attorney of record in the above-identified patent application and is authorized to act on behalf of assignee in connection with said application; and
2. The relevant evidentiary documents have been reviewed and, to the best of the undersigned's and assignee's knowledge and belief, title to the above-identified application, Application No. 10/647,587, is in assignee.

Date: October 3, 2005

SYNTHES (USA)



Brian M. Rothery
Registration No. 35,340
Attorney for Applicants
and Assignee

JONES DAY
Customer No. 51832
222 East 41st Street
New York, New York 10017
(212) 326-3939